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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,842	12/07/2005	Udo Simon	P70949US0	1946

136 7590 09/12/2008
JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

EXAMINER

KUMAR, RAKESH

ART UNIT	PAPER NUMBER
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3651

MAIL DATE	DELIVERY MODE
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09/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/559,842

Applicant(s)

SIMON ET AL.

Examiner

RAKESH KUMAR

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 19-24 is/are rejected.
- 7) ☒ Claim(s) 5-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/18/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1-24 rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Claim 1 recites the limitation "The contact element" in line 20. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the individual strip conductors" in line 23. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the individual contact points" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the common contact point" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the other plane" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claim 4. Claim 4 recites the limitations "like each of the other " on line 5. Limitations "like" is considered being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Appropriate action is required.

Referring to claim 5. Claim 5 recites the limitations "as well as the" on line 4. It is suggested the limitations be amended to "and." Note there are multiple similar issues through out claims 1-24 wherein the limitations are considered being indefinite for failing to particularly point out and distinctly claim the subject matter. Appreciate action is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3,4 and 19-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Simon (US 7,198,173).

Referring to claims 1 and 21-24. Simon discloses a blister pack system (Figure 2) comprising an upper part (3) and a bottom part (20), between which a blister pack (1) is disposed, pouches of the blister pack (1; Figure 1a) are aligned with corresponding ejection openings (6) of the upper part (3) and corresponding ejection openings (12) of the bottom part (20), every ejection opening (6) of the upper part (3) is associated with an individual contact surface (9) that can be connected to a control/computing unit (25) via an individual strip conductor (8), said blister pack system is further provided with an ejection device (4) comprising a peg section (16) that can be moved into a guide slot (7) and a top section (49) having a pusher section (19) that can be inserted into the ejection opening (6) of the upper part (3) that is associated with the pouch (1) for removing an item from a pouch (1), a common contact surface (9) that can be connected via a common strip conductor (17) to the control/computing unit (25) is associated with the guide slot (7), said blister pack system is characterized in that the ejection device (4) comprises an electrical contact element (9) at the top section (21) and an additional electrical contact element (10) at the peg section (16), the contact element (10) is electrically connected to the electrical contact element (9) of the top section (21), the blister pack system is further characterized in that the individual contact surfaces (9) and the individual strip conductors (8) associated therewith on the one side as well as the common contact surface (9) and the common strip conductor (17) associated therewith or a subsection thereof on the other side extend in surfaces of the upper part (3) that are electrically insulated from each other.

Referring to claims 3 and 4. Simon discloses the dispenser comprises a receiving region (44 Figure 17a) for a housing of the control/computing unit (25) as well as an interface arranged therein to the individual contact points (37) and also to the common contact point (48).

Referring to claims 19 and 20. Simon discloses a dispenser comprises individual contact surfaces (10') have the form of the elements that annularly surround the ejection openings (Figure 9).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 rejected under 35 U.S.C. 103(a) as being unpatentable over Simon (US 7,198,173).

Referring to claim 2. Simon discloses all claimed limitations of claim 2 however Simon does not specifically disclose the strip conductors covered by an electrically insulating layer.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Simon to include electrically insulating layer partially covering portions of the individual strip conductors and the common strip

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conductor because it would prevent corrosion of the electrical strip conductors thus extending the life of the dispenser.

Allowable Subject Matter

Claims 5-18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAKESH KUMAR whose telephone number is (571) 272-8314. The examiner can normally be reached on M-F 8 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gene Crawford/
Supervisory Patent Examiner, Art
Unit 3651

/RAKESH KUMAR/
Examiner, Art Unit 3651